

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: BRIAN J. HALENAR : Case No: 18-50708
KATIE A. HALENAR

: CHAPTER 13

: Judge C KATHRYN PRESTON

TRUSTEE'S MOTION TO DISMISS

Now comes Edward A. Bailey, standing Chapter 13 Trustee herein, and moves this Court to dismiss this case pursuant to 11 U.S.C. §§1307(c), 521(b) and/or 109(h) for the reasons set forth below:

Debtor(s) have not made complete payments into the confirmed plan, resulting in an arrearage of approximately 7 months and \$29,575.30, which constitutes a material default under the plan pursuant to 11 U.S.C. §1307(c)(6).

Wherefore, the Trustee requests that an order be entered dismissing this case, granting the Trustee leave to file his Final Report, and discharging the Trustee from his trust.

Respectfully submitted,

/s/ Edward A. Bailey

Edward A. Bailey
Chapter 13 Trustee
130 E. Wilson Bridge Road #200
Worthington, Ohio 43085-6300
(614)436-6700
trustee@ch13.org

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Debtor(s) : Judge C KATHRYN PRESTON

NOTICE OF MOTION TO DISMISS

Edward A. Bailey, has filed papers with the Court to dismiss this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to reduce, modify or eliminate your claim, then within **twenty one (21) days** from the service date of the motion, you or your attorney must file with the Court a written response explaining your position at:

U.S. Bankruptcy Court
170 N. High Street
Columbus, OH 43215

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the deadline stated above. You must also mail a copy to all parties required to be served pursuant to the Federal and Local Rules of Bankruptcy Procedure, including the Chapter 13 Trustee at:

Edward A. Bailey
130 E. Wilson Bridge Road, Suite 200
Worthington, OH 43085

If a response is filed within the time provided above, then a hearing will be held on September 24, 2021 at 1:30PM, at U.S. Bankruptcy Court 5th Floor, 170 N. High Street Courtroom C, Columbus, OH 43215. If no response is filed within the time provided, then no hearing will be held and the Court may enter an order dismissing this case.

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CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2021, a copy of the foregoing Motion to Dismiss was served on the following registered ECF participants electronically through the court's ECF system at the email address registered with the court:

U.S. Trustee
Edward A. Bailey
Ronald A. Wittel, Jr.
Richard John LaCivita
Bruce R Schrader
Dana O'Brien
Brian M Gianangeli

and on the following by **ordinary U.S. mail** address to:

Brian J. Halenar
Katie A. Halenar
9270 Huggins Ln.
Reynoldsburg, OH 43068

/s/Edward A. Bailey
Edward A. Bailey
Chapter 13 Trustee